

OPEN summary of CLOSED session
23 October 2020

Witness 1

The Inquiry heard evidence from a former Detective Chief Superintendent of Leicestershire Police. For the reasons given by the Chair in her ruling dated the 5 March 2020,¹ his evidence was given in CLOSED session. The following is a summary of those parts of his evidence that can be stated in OPEN:

The witness gave a summary of his career. He explained that he was appointed as the Head of the Specialist Crime Department in 2003. He said that he was in this position at the start of Operation Dauntless (May 2006) but left in December 2006, whilst the operation was ongoing, to take up a new post as Head of Professional Standards. Whilst in post as Head of the Specialist Crime Department, he confirmed that he was the line-manager of the Senior Investigating Officer (SIO) for Operation Dauntless. He said that references to the “Head of Crime” were to the role of the Head of the Specialist Crime Department, as the name changed at some stage.

The witness gave evidence concerning a ‘Gold Group’ meeting for Operation Dauntless on the 10 May 2006. He said that the meeting would have been chaired by an Assistant Chief Constable (ACC), who was the most senior officer in attendance. The witness said that at the time of the Gold Group meeting he was not aware of previous allegations of child sexual abuse having been made against Lord Janner.

The witness confirmed that the purpose of a Gold Group was to set the strategic direction for an operation and that the group could be reconvened if there was to be a significant deviation or to make a major decision. He confirmed that he had no recollection of there being a second Gold Group meeting for Operation Dauntless, though he had left his post by the time the decision was taken in January 2007 not to arrest Lord Janner.

The witness said that he would have expected the ACC to be consulted if a decision was being made to arrest someone like Lord Janner, who was a member of the House of Lords. He stated that if the decision was made not to arrest a suspect, this could be dealt with by the SIO on his own initiative and it was not a requirement to consult a senior officer. He added that if the SIO had wanted to speak to a senior officer, the ACC would have been available.

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<https://www.iicsa.org.uk/key-documents/17767/view/2020.03.05-notice-determination-following-preliminary-hearing-20-february-2020.pdf>



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The witness said that if a further allegation emerged against a suspect such as Lord Janner, the SIO would not have needed to consult a senior officer. He clarified that if there was a concern that the allegations had not been previously pursued by Leicestershire Police however, that would “*most definitely*” have needed to be discussed with a senior officer, as it was a “*wider issue...with far more ramifications for the organisation*”. The witness said that during his time as Head of Crime, no concerns were raised with him that there had been an allegation that was not pursued by Leicestershire Police. He agreed that if those concerns only emerged following the discovery of statements on 23 and 24 December 2006, then he may no longer have been in post as Head of Crime.

The witness said that the Gold Group had appointed the SIO to Operation Dauntless and that he considered him to be a “*...highly skilled investigating officer*”. The witness said that when an SIO is appointed to an operation, they lead the investigation and make all of the decisions. He added that if a senior officer decides that a decision is wrong, if they are informed of it, they can of course change that approach. He confirmed that, in essence, the SIO was therefore in charge of all decisions until or unless he consults with a more senior colleague.

The witness said that he was confident that the SIO for Operation Dauntless never discussed the question of arresting Lord Janner with him, but he agreed that by the time the decision not to arrest was taken - January 2007 - he was no longer the SIO’s line manager or Head of Crime.

The witness said that he had no recollection of receiving briefings about Operation Dauntless, but thought that it was very possible that he was given such briefings.

The witness stated that at no time was he put under any pressure in relation to any matter relating to Lord Janner and so far as he was aware, no pressure was put on anyone else involved in the investigation.

Witness 2

The Inquiry also heard evidence from a former Principal Crown Prosecutor and Special Casework Lawyer of the CPS. For the same reasons, his evidence was also given in CLOSED session. The following is a summary of those parts of his evidence that can be stated in OPEN:

The witness provided a summary of his career with the CPS.

The witness gave evidence of his involvement with previous Leicestershire police investigations into allegations concerning Lord Janner, including Operation Magnolia and Operation Dauntless.

In relation to Operation Magnolia, the witness confirmed that he was the reviewing lawyer for that Operation but that no allegations concerning Lord Janner had been brought to his attention. Specifically, the witness said that he was unaware of the witness statement of JA-A19, known as statement 'S4C', and JA-A6, known as 'S101A', until they were brought to his attention some years later, during Operation Dauntless. He said that if the statements had been brought to his attention, the file "*...would have taken a totally different course...the guidelines...would have required me to refer allegations against Greville Janner via the Chief Crown Prosecutor to CPS Headquarters*". The witness confirmed that he was not told of allegations against Lord Janner, even as an aside: "*it simply never happened*".

The witness confirmed that he could not think of any sensible reason why the statements had not been drawn to his attention during Operation Magnolia.

The witness accepted that there was a suspicion in Operation Magnolia that some of the allegations may have been prompted by the compensation payments which Leicestershire County Council's insurers had made to other victims following Frank Beck's conviction. He said the suspicion had "*...probably been a bit of mine and a bit of the police's*".

The witness acknowledged having concerns that some of the complainants in Operation Magnolia had previously made statements in other police operations into child sexual abuse and had not mentioned the abuse that was being alleged in Operation Magnolia.

The witness confirmed that he had advised that no charges should be brought in Operation Magnolia. He pointed out that some of the suspects were deceased and many of the alleged offences were time-barred.

The witness said that he had provided advice to the police towards the start of Operation Magnolia. He confirmed that his advice was that although the complainants might have criminal records, significant drugs and alcohol issues and associated mental health conditions, he would look at the picture of the conduct of the staff at the two children's homes taken as a whole and these factors would not necessarily constitute an obstacle to an eventual prosecution. The witness stated that did not accept, however, that he had subsequently "*deconstructed*" the evidence on a "*...person by person, allegation by allegation basis*", as had been suggested by the Deputy SIO in his statement to the Inquiry.

He said that he had analysed the evidence and that "*...the only way cases of this nature can be prosecuted is by prosecuting individuals for specific offences and, therefore, each allegation has to be looked at on the evidence and in relation to a particular suspect*". He

added that until he had read the statement of the Deputy SIO, disclosed during this Inquiry, no-one had ever taken issue with his charging decision in Operation Magnolia.

The witness acknowledged that his advice in September 2002 had the effect of bringing Operation Magnolia to an end.

The witness confirmed that at the time of Operation Dauntless (2006-2008) he was a Special Casework Lawyer at Leicestershire CPS. He confirmed that Operation Dauntless concerned allegations by JA-A8 against Lord Janner and others and also included consideration of previous allegations made against Lord Janner, including those made by JA-A19 and JA-A6.

The witness said that he had a heavy caseload at the time. He stated that when he read the advice file from the police, he realised that the file needed to be referred to CPS Headquarters. Having received the file on 23 April 2007, he acknowledged that he had not sent it to Headquarters until August. He said that part of the reason for the delay was that he felt he needed to read it first. He said that due to a pressure of work and court attendance, he read the file in July. He acknowledged that the delay was *“too long”* and agreed that in cases involving sexual crime, in some instances going back years, every day was a day lost, in terms of recollection, memory, and perhaps a desire to cooperate. Asked whether he could have referred the file to someone else to read, he said, *“...there was no-one else to refer it to”*.

The witness explained that having transferred the file to headquarters, it was returned some weeks later with an instruction to review it himself. He confirmed that he was not put under any pressure by Headquarters to reach any particular conclusion and that he certainly wasn't influenced by their view.

The witness said that when he was informed about the unrevealed statements from Operation Magnolia he was *“surprised”* and said that he had *“...assumed that the police had presumably dealt with it on their own without seeking advice on it”*. He said it was *“certainly a surprise”* that the police had not mentioned the allegations in the meetings that had taken place at the time. He said that he had not asked the police to make any enquiries about why the statement had not been provided five years earlier and that he didn't know why he hadn't done so, stating that he had *“...just proceeded to review the file”*.

The witness acknowledged that his advice commented on issues concerning JA-A8's credibility, including the fact that JA-A8 had not made previous allegations concerning Lord Janner, despite having made statements about the same period of his life in previous investigations.

The witness confirmed his advice in Operation Dauntless: that there was insufficient evidence to provide a realistic prospect of a conviction. He explained that a draft of this

advice had been shared with the Chief Crown Prosecutor for Leicestershire and said that, although she had not read the entire advice file, she had received a “*lengthy briefing*” from him about the file. Despite her knowledge of the case being based upon what he had told her, the witness said that the Chief Crown Prosecutor had reached an “*independent view*”.

The witness said that it was within his remit to advise the police to take further investigative steps which could have included recommending the re-interview of previous complainants or the instruction of a forensic psychologist. He accepted there was no reference to such recommendations in his advice, but said that he had spoken to the SIO on the telephone to discuss further lines of enquiry and that SIO’s view had been that “*...there were no further lines of enquiry to follow*”. He said that he could not remember whether he discussed instructing a forensic psychologist with the SIO. He said that these conversations had taken place before he had provided his advice, but couldn’t say exactly when.

The witness accepted that JA-A6’s allegations against Lord Janner, which had been referred to within the advice file from the police, were not referred to in his advice. He said that he did not think he saw JA-A6’s statement at the time and that if he didn’t, he had relied on what the police had said about it in their report. The witness therefore confirmed that he had concluded that JA-A6 “*...couldn’t be relied upon...*” based upon the comment in the police report that JA-A6 had “*...severe mental health problems and must be discounted as a witness*”.

The witness said that his advice was not “*...written in anticipation of a detailed forensic examination many years later, and, for that reason, it’s not as comprehensive as otherwise it perhaps should have been*”.

The witness said that he did not recall discussing further lines of enquiry with the Deputy SIO of Operation Dauntless. He said that if they did discuss this, his response would have been to the effect that the Deputy SIO should have been talking to the SIO about that.

The witness was asked whether his advice reflected the views he had formed concerning the complainants’ previous complaints. He said if that were the case it would only be subconsciously, “*...because [he] certainly wasn’t doing it deliberately*”. He said that he thought his advice was “*sufficient*” but was “*probably not as comprehensive as it could have been*”. He added that there were “*...certainly things [he had] considered that aren’t explicitly in there*”.

The witness said that he had judged that there would be no utility in interviewing Lord Janner and that the SIO had agreed with him. When asked if he had discussed the question of arresting Lord Janner, he said that he could also not recall having any discussions with the SIO or anyone else about this topic.

Reflecting on Operation Dauntless, the witness said: *“I think I can accept that the advice isn’t written as thoroughly as it should have been. I accept that there was a delay in dealing with it... all I can say really in answer to that, is that the two lawyers I discussed the case with during 2007...didn’t raise those points and they took the view that...there was not a prospect of conviction.”*

The witness said that he didn’t change his approach to assessing the file due to the social background of the complainants.

The witness explained that if the police wanted to challenge a decision not to prosecute, there was a procedure set out in the Director’s Guidance on Charging that would escalate the decision to a more senior officer. He said that such a challenge would normally be made by the SIO, but in this case the SIO had agreed with his decision.

The witness accepted that at the time that he was considering Operation Dauntless, matters such as the fact that children in care may have more notes written about them than other children, and other issues around making further enquiries to corroborate the offence rather than the credibility of the offender, were not in the forefront of his mind. He said that he was *“...applying the processes that were relevant in 2007. They did change in 2013, and anyone looking at the case now would approach it in a totally different way”*.